

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA,**

**V.**

**(1) STRYKER BIOTECH, LLC,**

**(2) MARK PHILIP,**

**(3) WILLIAM HEPPNER,**

**(4) DAVID ARD and**

(5) **JEFFREY WHITAKER,**

### Defendants.

**Criminal No.: 09-CR-10330-GAO**

**GOVERNMENT’S ASSENTED-TO MOTION TO DISMISS**  
**COUNT 16 OF THE INDICTMENT**

The United States hereby moves to dismiss Count 16 of the Indictment, which charges defendant Mark Philip with making a false statement in violation of 18 U.S.C. §1001. Counsel for the United States have conferred with counsel for defendant Mark Philip, who assents to the filing of this motion.

WHEREFORE, the United States respectfully requests that the Court dismiss Count 16 of the Indictment.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Gregory F. Noonan  
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Date: July 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)

/s/ Gregory F. Noonan  
Assistant United States Attorney

Date: July 6, 2011